

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTURY INDEMNITY COMPANY (as Successor to CCI INSURANCE COMPANY, as successor to INSURANCE COMPANY OF NORTH AMERICA), INSURANCE COMPANY OF NORTH AMERICA,

Plaintiffs,

- v. -

CATERPILLAR INC., CATERPILLAR INSURANCE COMPANY LTD.

Defendants.

Case No. 1:15-cv-04542

**PLAINTFFS' MOTION FOR LEAVE TO FILE DECLARATION OF VINCENT S.
WEISBAND UNDER SEAL**

Plaintiffs Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America, and Insurance Company of North America (collectively, "Century") move for leave of Court to file under seal the Declaration of Vincent S. Weisband. Century makes this motion out of an abundance of caution because Caterpillar alleges that communications cited therein are privileged under Illinois law.

To be clear, but for Caterpillar's tendentious claim of privilege, Century would not pursue leave to file under seal. Century does not contend the documents are privileged.

Dated: January 7, 2015
Chicago, Illinois

Respectfully submitted,
By: /s/ Vincent S. Weisband
COHN BAUGHMAN & MARTIN
Brian C. Coffey
Brian.coffey@mclolaw.com
J. Christopher Madden
Christopher.Madden@mclolaw.com
333 West Wacker Drive
9th Floor
Chicago, Illinois 60606
-and-
O'MELVENY & MYERS LLP
Tancred V. Schiavoni (*pro hac vice* pending)
tschiavoni@omm.com
Gary Svirsky (*pro hac vice* pending)
gsvirsky@omm.com
Vincent Weisband (*pro hac vice* pending)
vweisband@omm.com
7 Times Square
New York, New York 10036
Telephone: (212) 326-2000
Attorneys for Plaintiff Century Indemnity Company (as successor to CCI Insurance Company, as successor to Insurance Company of North America) and Insurance Company of North America

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2016, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF and served it by CM/ECF on the following counsel of record.

HONIGMAN MILLER SCHWARTZ AND COHEN
Paula E. Litt (PLitt@honigman.com)
Anand C. Mathew (AMathew@honigman.com)
One South Wacker Drive, 28th Floor
Chicago, Illinois 60606

-and-

LOWENSTEIN SANDLER LLP
Andrew M. Reidy (*pro hac vice*)
(AREidy@lowenstein.com)
Michael J. McGaughey (*pro hac vice*)
(MMcGaughey@lowenstein.com)
2200 Pennsylvania Avenue, NW Suite 500E
Washington, DC 20037

Dated: New York, New York
January 7, 2016

By: Vincent Weisband
O'MELVENY & MYERS LLP
Tancred V. Schiavoni (*pro hac vice*)
tschiavoni@omm.com
Gary Svirsky (*pro hac vice*)
gsvirsky@omm.com
Vincent Weisband (*pro hac vice*)
vweisband@omm.com
7 Times Square
New York, New York 10036
Telephone: (212) 326-2000

-and-

COHN BAUGHMAN & MARTIN
Brian C. Coffey
Brian.Coffey@mclolaw.com
J. Christopher Madden
Christopher.Madden@mclolaw.com
333 West Wacker Drive
Suite 900
Chicago, Illinois 60606

*Attorneys for Plaintiffs Century Indemnity
Company and Insurance Company of North
America*